COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: June 29, 2012
FILE NO:

OFFICE CORRESPONDENCE

FROM: MICHAEL J. ROTHANS, COMMANDER
FIELD OPERATIONS REGION III

TO: JOHN H. CLARK, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2288886
Incident:	Hit Shooting
Incident Date:	May 25, 2011
Unit:	Century Station/FOR II
Suspect:	Nicholas Hankins, M/21
Involved Employees:	Deputy Juan Rodriguez Deputy [redacted]
EFRC Date:	June 28, 2012

The Executive Force Review Committee consisting of Commander Michael Rothans, Commander Anthony La Berge, and Commander David Fender met and reviewed the above case.

FINDINGS:
The Committee determined the force used by Deputy Rodriguez was objectively reasonable and in compliance with Department Policy. The Committee also determined the tactics used were within the Department's training standards.

RECOMMENDATIONS:
The Committee recommended that the unit commander, Captain Joseph M. Gooden, make arrangements for a tactical debriefing of the incident be conducted with Deputy [redacted] at her new unit of assignment.

MJR:JER:jer

SH2288886

Table of Contents

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 05/22/11	Bureau/Station/Facility: Field Operations Region II / Century Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 011-07686-2199-058	Date: 05/22/11 Time: 0630
City or Station: Century Station	Nature of Incident: Deputy Rodriguez was involved in a fight with a suspect who attempted to take his gun. Deputy Rodriguez fired his weapon 4 times, striking the suspect once in the shoulder area.
Location: 114th Street / Compton Avenue Los Angeles, CA	

Location Type (*circle one or more*):
Backyard
Beach
Business
Freeway
Industrial
Park
Parking Lot
Residence
Rural
School
Street
Other: ______________

Lighting (*circle only one*):
Darkness
Daylight
Other
Street Lights

Weather (*circle only one*):
Clear
Cloudy
Fog
Rain

Distance:

Incident Type (*circle one or more*):
Accidental
Armed Person
Fleeing Suspect
Foot Pursuit
Gun Take Away
Moving Vehicle
Sniper/Ambush
Startle
Struggle Involved
Traffic Stop
Unarmed Person
Unintentional
Vehicle Pursuit
Warrant Service
Warning Shot
Other: ______________

Initiated by (*circle only one*):
Arrest Warrant
Call
Observation
One Person Unit
Other
Search Warrant
Two Person Unit

Prior Activity (*circle only one*):
Detective
Inmate Transport
Other
Routine Patrol

Aero Unit? ☒ Canine Unit? ☒

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
4	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	[redacted]	[redacted]		[redacted]	[redacted]
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]

Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	M.I.

Street Address	City	Zip Code	Work Ph	Home Ph

Last Name	First Name	M.I.

Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	[redacted]	[redacted]	[redacted]	**On Duty**, Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Kusayanagi	Chris	M.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Dean	Robert	J.

PSTD Use Only

SH # SH2288886

Officer Involved Shooting

URN: 011-07686-2199-058

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
05/22/11	0812	02/22/12	

Employee #	Last Name	First Name	M.I
[redacted]	Parker	Brenda	
[redacted]	Haynes	Laura	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1 Hankins	E#1 Rodriguez	RS					NN	
E#1 Rodriguez	S#1 Hankins	FH	BR	9	Y	Y	GS	SH
E#1 Rodriguez	S#1 Hankins	TT					CP	KN
E#1 Rodriguez	S#1 Hankins	PO					CP	FA

Officer Involved Shooting
Involved Employee Information

URN: 011-07686-2199-058

Involved Employee

E 1

Employee # [redacted]	Last Name: Rodriguez	First Name: Juan	M.I.: P
Sex: M / Race: H	Rank: Deputy Sheriff	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): EM PM **(Day)**	ShiftType (*circle only one*): **(Regular)** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, **(Uniform w/ Vest)**	Other Factors:
Age: [redacted]	Height: 602	Weight: 250	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted] / Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] / Number of Prior Shootings: [redacted]	Directed Force: [redacted]
Weapons Fired Brand: Beretta, 92F Semiautomatic / Caliber: 9mm Luger / # Shots: 4	Weapons Fired Brand: / Caliber: / # Shots:		
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: / Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐ / Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ / Number of Prior Shootings:	Directed Force: ☐
Weapons Fired Brand: / Caliber / # Shots	Weapons Fired Brand: / Caliber / # Shots		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: / Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐ / Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ / Number of Prior Shootings:	Directed Force: ☐
Weapons Fired Brand: / Caliber / # Shots	Weapons Fired Brand: / Caliber / # Shots		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting Suspect Information

URN: 011-07686-2199-058

Suspect Information

S 1

Last Name: Hankins	First Name: Nicholas	M.I.: R
AKA Last Name: Nick	First Name:	M.I.:

Sex: M Race: Black	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 21 D.O.B. 09/14/89	Height: 506 Weight: 140	FBI #: [redacted]	CII #:
Booking #: 2782805	Primary Charge: 69 PC/ Resisting Arrest	Secondary Charge: 10851(a) cvc	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☐	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Ford	Model: Explorer Sport	Year: 1995	

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

See Other Side

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

DEPUTY INVOLVED HIT SHOOTING

UNIT: Century Sheriff's Station
DATE: May 22, 2011
TIME: 0630
LOCATION: 114th Street at Compton Avenue
FILE #: 011-07686-2199-058
IAB #: SH2288886

NATURE OF INCIDENT:

On Sunday, May 22, 2011, at approximately 0700 hours, Sergeants Brenda Parker, Laura Haynes and [redacted] responded to 114th Street and Compton Avenue to investigate a deputy involved Hit-Shooting. The shooting involved Suspect Nicholas Hankins and Century Sheriff's Station Deputies Juan Rodriguez, and [redacted]

Investigators learned the following:

Deputies Rodriguez (driver) and [redacted] (book man) were traveling northbound on Compton Avenue in their marked patrol vehicle. Their attention was drawn to a vehicle traveling eastbound on 114th Street at Compton Avenue. The vehicle had failed to stop at the limit line of eastbound 114th Street at Compton Avenue. The vehicle then turned northbound onto Compton Avenue. Deputy Rodriguez made a U-turn and drove behind the suspect vehicle in order to initiate a traffic stop. Before Deputy Rodriguez was able to activate their vehicle's lights and siren, the suspect, later identified as Nicholas Hankins, pulled his vehicle to the east curb line at 115th Street and Compton Avenue. Suspect Hankins parked the vehicle along the east curb line.

> **IAB Note: See Exhibit "B," photographs depicting location of where suspect turned northbound Compton Avenue from 114th Street and stopped along the east curb line after seeing deputies behind him.**

He immediately opened his driver's door and exited the vehicle. Deputies Rodriguez and [redacted] simultaneously exited their vehicle and advanced toward the suspect vehicle.

Deputy Rodriguez stopped Suspect Hankins at the suspect vehicle's open driver's side door. Suspect Hankins stated "This car is not mine, it's not mine, I just took it." Based on the suspect's action of abruptly getting out of the vehicle, and his statements that he had just taken the vehicle, Deputy Rodriguez grabbed the suspect's wrist and attempted to handcuff him. Before Deputy Rodriguez could handcuff the suspect, the suspect turned around, faced Deputy Rodriguez, and became extremely belligerent. The suspect immediately began resisting, and fighting with both deputies. During the fight, the deputies performed a team takedown. Both deputies and the suspect fell to the ground. While "tussling" on the ground, Deputy Rodriguez felt a firearm in the suspect's left front pants pocket, which the suspect reached for during the fight. The suspect also pulled and tugged at Deputy Rodriguez' holster during the fight, attempting to take his gun.

Suspect Hankins was able to break free from Deputies Rodriguez and [redacted] Suspect Hankins then reached toward his left front pants pocket, the same pocket that Deputy Rodriguez felt the gun in. As Deputy Rodriguez got up from the ground, the suspect started to run westbound across Compton Avenue. As the suspect ran, he continued to look back toward the deputies and tug at his left front pants pocket, as if he was trying to retrieve something. Fearing the suspect was attempting to retrieve a firearm, and concerned for his safety and the safety of Deputy [redacted] Deputy Rodriguez fired four rounds striking the suspect once in his shoulder. The suspect ran into the Nickerson Gardens Housing Projects.

IAB Note: See Exhibit "C," photograph depicting the location of where Suspect Hankins ran into the Nickerson Gardens Housing Projects after breaking free from Deputies Rodriguez and [redacted].

Deputies Rodriguez and [redacted] pursued Suspect Hankins about 10 to 15 feet, into the Nickerson Gardens Housing Project. They stopped their pursuit once they lost visual contact of the suspect. They also requested assistance via their 480 radios and established a containment. Personnel from the Special Enforcement Bureau responded and conducted a search of the containment area, locating a heavy blood trail. However, after an exhaustive search, Suspect Hankins could not be located.

After receiving information from various sources and informants, Suspect Hankins was located at a [redacted] residence in [redacted]. A search warrant was obtained, and Suspect Hankins was arrested on June 21, 2011 by Homicide and Operation Safe Street Bureau Detectives.

Deputy [redacted] sustained bruises and abrasions on both knees and elbows. Deputy

Rodriguez was not injured. Suspect Hankins sustained a gun shot wound to his left upper arm.

No suspect weapon was recovered.

INVOLVED PERSONNEL

RODRIGUEZ, Juan P., Deputy #[redacted]
Field Operations Region II
Century Station

Work History
Date of Employment: 01/17/2002
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

SUSPECT

HANKINS, Nicholas Raynel
[redacted]

SWORN WITNESSES


[redacted] Deputy # [redacted]
[redacted]

CIVILIAN WITNESSES


[redacted]

SUSPECT INJURIES

Suspect Hankins Sustained a gunshot wound to his left upper arm.

DEPUTY INJURIES

Deputy [redacted] sustained abrasions to both her knees and elbows as a result of the fight with the suspect.

PHYSICAL EVIDENCE

The following items of evidence were collected from the shooting scene by Crime Scene Investigator Mario Cortez of Scientific Services Bureau:

EV-1 Ford SUV, 2 door, black, CA. Lic # [redacted]
EV-2 cell phone (Blackberry Kyrocera)
EV-3 clothing
EV-4 handcuffs
EV-5 grey shoe (left)
EV-6 thru 9 (4) expended cartridges
EV-10 (1) live bullet

INVESTIGATORS OBSERVATIONS

The physical evidence at the shooting scene appeared to be consistent with statements made by deputies and the suspect.

A review of radio dispatch communications revealed that at 0630 Hours, Deputy [redacted] broadcast emergency radio traffic over Dispatch-9, saying that Unit [redacted] ([redacted] and Rodriguez) were involved in a fight. While Deputy [redacted] was broadcasting the information, Deputy Rodriguez broadcast that a Deputy Involved Shooting had occurred. The radio traffic indicated both deputies pursued the suspect until they lost sight of him. They then stopped their foot pursuit and established a containment.

WEAPON USED BY DEPUTY PERSONNEL

Deputy Rodriguez used his Service Weapon, which is a Department issued Beretta 92 F, 9mm Luger caliber semiautomatic pistol, with the serial number of BER [redacted].
Both deputies also used personal weapons as they fought to restrain Suspect Hankins.

Ammunition: (11) 9mm Luger caliber cartridges

Shell Casings: 4 expended cartridge cases, 1 live bullet

Date last qualified: [redacted]

WEAPONS USED BY SUBJECT

Handgun, Personal Weapons

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATOR/CHARGES FILED

On May 25, 2011, the criminal case against Nicholas Raynel Hankins was presented to the Compton Branch of the Los Angeles County District Attorney's Office, who filed two felony counts of 69 P.C. and one felony count of 10851 (a) C. V.C., under case number COMTA11820001.

LIGHTING AND WEATHER CONDITIONS

On the day of this incident, it was light outside at the 0600 hour and the weather was cold and clear.

INVOLVED DEPUTY STATEMENTS

Deputy Juan Rodriguez was interviewed by Sergeants Brenda Parker and Sonja Bracken on September 19, 2011, in an interview room at the Internal Affairs Bureau office.

> **IAB Note: Deputy Rodriguez was interviewed by Homicide Investigators Acebedo and McElderry on June 25, 2011. Both interviews were Digitally recorded.**

Deputy Rodriguez said that on May 22, 2011, he and his partner Deputy [redacted] received a report call in the vicinity of 92nd Street and Compton Avenue. He said he drove

westbound on Imperial Highway, and turned northbound onto Compton Avenue. He said he saw a black Ford Explorer pass the stop sign without stopping at 114th Street at Compton Avenue. Deputy Rodriguez said he looked at the driver of the vehicle. He said the driver of the vehicle was acting suspicious. Deputy Rodriguez said "He did not want to look at me. He just kept staring away." Deputy Rodriguez said he turned his patrol vehicle westbound on 114th street and immediately made a U-turn and drove behind the vehicle in order to initiate a traffic stop to warn and/or cite the suspect for the CVC violation he committed.

Deputy Rodriguez said the suspect vehicle turned northbound onto Compton Avenue and immediately parked on the east curb line of Compton Avenue, directly north of 114th Street, at the red zone. Deputy Rodriguez said he had not initiated a traffic stop, nor had he activated his lights and siren. Deputy Rodriguez said he immediately exited his patrol vehicle in order to contact the suspect. He said as he was approaching the suspect vehicle, the suspect immediately opened the door and attempted to "walk out" of his vehicle. Deputy Rodriguez said the suspect's action of getting out of the vehicle was unusual during a traffic stop in Century Station's area.

Deputy Rodriguez said he walked in a fast pace toward the suspect and met him at the threshold of the driver's side door. He said the suspect was standing outside of the vehicle facing him. He said the suspect said the car was not his, and that he just took it. Deputy Rodriguez said at that time, based on his training and experience, he believed the suspect was driving a stolen vehicle. Deputy Rodriguez said he "grabbed" the suspect's wrist and attempted to turn the suspect's body to face away from him so the suspect could be handcuffed.

Deputy Rodriguez said he took his handcuffs out, but before he could handcuff the suspect, the suspect pushed back and turned around quickly, as if he was trying to run. Deputy Rodriguez said he had a grip on the suspect with his left hand, and the suspect tried to get away. Deputy Rodriguez said he grabbed the suspect by his neck/shoulder area and threw him to the ground. He said when he threw the suspect to the ground, he believes the force of the throw caused Deputy [redacted] to fall to the ground with the suspect landing on top of her. He said when the suspect fell to the ground, a vicious struggle ensued. Deputy Rodriguez said he got down on his knees and grabbed the suspect by his legs and freed his partner. Deputy Rodriguez said as the suspect continued to fight, he grabbed the suspect from the back, around his torso area, trying to control him on the ground.

Deputy Rodriguez said during the struggle, he felt a metal object in the subject's left front pants pocket. He said he manipulated the object "very quick" and recognized it to be a firearm. He said the suspect tucked his hands underneath his body and kept trying to stand up by pushing up, off of the ground. Deputy Rodriguez said he could

feel the suspect pulling the bottom of his gun holster. He said he felt the suspect trying to take his gun. Deputy Rodriguez said the suspect continued to kick and resist for approximately twelve seconds. Deputy Rodriguez said both he and Deputy [redacted] were trying to gain control of the suspect, but they were unsuccessful. Deputy Rodriguez said the suspect was fighting so hard that he was able to stand up and break free of their grasps.

Deputy Rodriguez said the suspect started reaching into his left front pants pocket while he (Deputy Rodriguez) was on his knees transitioning to a standing position. Deputy Rodriguez said when he got up, the suspect started running as he was tugging at his left front pants pocket and turning to look at he and Deputy [redacted] Deputy Rodriguez said he feared that the suspect was reaching into his pocket to retrieve a gun and engage he and his partner. He said he un-holstered his weapon and yelled to his partner, "Watch it! Watch it!"

Deputy Rodriguez said he fired two rounds. He said he was approximately three to five yards away from the suspect and could see the first round strike the suspect in his shoulder area. Deputy Rodriguez said he remembers seeing the bullet pierce the suspect's skin because the suspect was not wearing a shirt. Deputy Rodriguez said his gun jammed and he immediately cleared the jam as the suspect continued to tug at his left pants pocket and look at him. Deputy Rodriguez said he still felt threatened by the suspect, so he fired two more rounds from about seven to ten yards away. Deputy Rodriguez said the suspect continued running, and ran into the Nickerson Gardens Housing Projects.

Deputy Rodriguez said he and Deputy [redacted] followed the suspect into the Nickerson Gardens Housing Projects, in order to track the suspect's whereabouts and let assisting units and Aero Bureau know exactly where the last seen direction of the suspect was. Deputy Rodriguez said they lost sight of the suspect.

SWORN WITNESS STATEMENTS

[redacted]

Deputy [redacted] was interviewed on May 22, 2011, at 1528 hours in the Captain's Conference room at Century Sheriff's Station by Homicide Investigators Kevin Acebedo and Dan McElderry.

IAB Note: Sergeants Brenda Parker and Laura Haynes of Internal Affairs Bureau were present during the Homicide Interview.

Deputy [redacted] said that on May 22, 2011, she was working [redacted] on [redacted] shift with her partner Deputy Juan Rodriguez. She said they were assigned to Unit [redacted] and were working the Florence/Firestone area. Deputy [redacted] said they left the station at approximately 0620 hours, in route to a stolen vehicle report call. She said as they drove northbound on Compton Avenue, they saw the suspect vehicle run past the limit line and stop sign on 114th Street at Compton Avenue. She said the driver of the vehicle, a black male, had a suspicious look on his face.

Deputy [redacted] said Deputy Rodriguez made a U-Turn in order to get behind the vehicle as she ran the vehicle's licence plate number. She said by the time Deputy Rodriguez completed the U-Turn, the suspect had pulled onto Compton Avenue going northbound, and had stopped his vehicle on the east side of the street.

Deputy [redacted] said she exited the patrol vehicle and saw Suspect Hankins get out of the suspect vehicle's driver's side door. Deputy [redacted] said she "pulled" her gun because she did not know why the suspect was getting out of the suspect vehicle. Deputy [redacted] stated "That wasn't normal," referring to the suspect's actions. She said she yelled at Suspect Hankins to "Get back in the car," while she was still on the passenger's side of the patrol vehicle. She said the suspect hesitated in the door way of the suspect vehicle. Deputy [redacted] said Deputy Rodriguez simultaneously exited the patrol vehicle, drew his gun, and told the suspect to get back in the car. Deputy [redacted] said it was quite possible that the suspect was trying to "get a jump on them," because based on her training and experience, people who are armed jump out of cars.

Deputy [redacted] said after ensuring there were no other occupants in the suspect vehicle, she moved to the driver's side of the suspect vehicle to assist Deputy Rodriguez. She said the suspect was positioned in the door jamb of the driver's side of the suspect vehicle. Deputy [redacted] said when they were in the door jamb of the vehicle, the suspect was fidgeting and he did not want to be searched. She said he kept looking over his shoulder as if he was sizing them up, and trying to figure out how he was going to get away. Deputy [redacted] said Suspect Hankins turned toward Deputy Rodriguez and said "I just took the car, I just took the car, It's not mine."

She said Deputy Rodriguez told the suspect to turn around, and began trying to get the suspect's hands together in order to handcuff him. Deputy [redacted] said the suspect started moving around and looking back, over his shoulders and not complying with their orders. Deputy [redacted] said since the suspect was not complying, she used a firm grip on his right arm in order to help stabilize him in the door jamb. She said the suspect continued to move and look over his shoulders. She said the suspect then tried to "turn on" Deputy Rodriguez, and they "took him to the ground."

Deputy [redacted] said the suspect fell to the ground and continued to move around and

started fighting. She said she took the suspect's legs and tried to hold them down so that Deputy Rodriguez could handcuff him. She said Deputy Rodriguez told her to put out emergency radio traffic while he was on the suspect's "upper torso back area."

IAB Note: See Exhibit "D," Envelope containing 1 CD of radio traffic transmitted by Deputies [redacted] and Rodriguez.

Deputy [redacted] said she continued to try to hold the suspect's legs as she put out the emergency radio traffic. She said within seconds, "the suspect turns" and was able to get up.

Deputy [redacted] said, "I get kind of pushed back, that when I heard Deputy Rodriguez say "Watch out! Watch out!" In an elevated voice." She said his voice "elevated and it was definitely something of a heightened security." She said Deputy Rodriguez's voice sounded life threatening. Deputy [redacted] said Deputy Rodriguez pushed her "out of the way." She said she thought the suspect had a gun and was actually pulling it out on them. She said she then heard two rounds of gunfire. Deputy [redacted] said she got up from the ground, drew her gun, and heard two more rounds of gun fire shortly after. She said she put out additional radio traffic, then followed Deputy Rodriguez as he followed the suspect westbound through the Nickerson Gardens Housing Projects. Deputy [redacted] said she did not see the suspect with a gun, but formulated an opinion based on Deputy Rodriguez's actions and that Suspect Hankins had not been searched; that he (suspect) had a gun.

Deputy [redacted] said the suspect ran westbound across Compton Avenue, then North bound into the Nickerson Gardens Housing Projects. She said Deputy Rodriguez put out radio traffic as they followed the suspect. Deputy [redacted] said they lost sight of Suspect Hankins inside of the Projects. Deputy [redacted] said Deputy Rodriguez heard responding units, and instructed her to go to the street and make sure the responding units could locate the areas to be contained as he stayed behind and watched the westside of the complex. Deputy [redacted] said when back-up units arrived, she secured the scene, and did not see the suspect again.

CIVILIAN WITNESS STATEMENTS

[redacted]

Witness [redacted] was interviewed on May 22, 2011, at Century Sheriff's Station by Homicide Investigators. The interview was audio-recorded. Witness [redacted] said he is [redacted], but he "hangs out" in the Nickerson Gardens Housing Projects. He said at the time of this incident, he was hanging out with his friends "[redacted] and [redacted]" on the

back porch of a unit in Nickerson Gardens, north of 114th Street, west of Compton Avenue.

> **IAB Note: The back porch of the unit faces east, in the direction of Compton Avenue. This location does not have a direct view of the location of the shooting, but has a view of a small section of Compton Avenue just north of where the shooting occurred.**

Witness [redacted] said a few minutes before the shooting incident, he saw Suspect Hankins in the parking area directly in front of the porch where he was sitting while hanging out with his friends. Witness [redacted] said he knew the suspect lived in Nickerson Gardens, and knows him only as "Youngster." He said he saw Suspect Hankins give a "Mexican Guy" some money for car keys. He said the suspect then got into the man's black Ford Explorer vehicle, and drove out of the parking lot, and eastbound toward Compton Avenue. Witness [redacted] said he believed the suspect purchased the Explorer from the Hispanic male, based on the money transaction and the fact the suspect took the Explorer around the block.

Witness [redacted] said he heard gun shots in the area of 114th Street and Compton Avenue, a few minutes after Suspect Hankins drove out of the parking lot. He said seconds after hearing the shots, he saw Suspect Hankins running westbound, back toward the parking lot area where he ([redacted] was hanging out. He said Suspect Hankins was not wearing a shirt, and he was holding his left shoulder. Witness [redacted] said the suspect left a blood trail behind him as he ran and turned in a northeast direction. He said the suspect ran around the north side of the building toward the front of the residences in that building. Witness [redacted] said he did not see the suspect anymore after that.

> **IAB Note: Despite previously telling investigators he didn't see the suspect again after he ran around the north side of the building, Witness [redacted] later stated he saw [redacted] and the suspect leave the location in a burgundy colored Ford Taurus 4-door vehicle. [redacted] and the other residents at her home were detained by arriving deputies.**

Witness [redacted] said he went around the front of the building on the west-facing side in order to see where the suspect ran. He said he saw a Hispanic female named [redacted] who lives in Unit #[redacted]. He said he saw [redacted]ooking at the blood stains on her front porch that had been dropped there from Suspect Hankins' wound. He said [redacted] asked him to help her clean the blood off her front porch for money. He said he agreed to

clean up the blood stains "if" [redacted] was going to pay him. He said he entered the front door of the neighboring residence, Unit # [redacted] and retrieved some water and poured it on the blood stains to remove them. He said while he was attempting to clean up the blood stains, he was detained by a deputy.

CIVILIAN STATEMENTS

[redacted]

[redacted] was interviewed by Homicide Investigator Acebedo.

[redacted] stated that the black Ford Explorer (suspect vehicle) belonged to her. She said her vehicle was stolen on May 22, 2011. She said she ran out of gas earlier that morning while driving northbound on Compton Avenue, south of Imperial Highway. She said she left the vehicle parked there, against the east curb of Compton Avenue, facing northbound. She said when she returned to get her vehicle around 4:00 P.M., it was not there.

[redacted] said she did not call and report her vehicle stolen because it is not registered in her name. She said she purchased the vehicle around October of 2010 from two friends named "[redacted]" and "[redacted]" She said she never registered the vehicle in her name because the tags were current when she bought it. She also said she has no idea who the previous owners were, therefore, she could not complete the paperwork transactions with the Department of Motor Vehicles.

IAB NOTE: The vehicle's most recent listed owner is [redacted] He purchased the vehicle around October 2010 from [redacted], the vehicles previous registered owner. After having the vehicle for about two weeks, the vehicle broke down on the 91 Freeway in Compton. He left the vehicle on the freeway. When he returned the next day, the vehicle was gone. He believed the vehicle was probably towed by the California Highway Patrol. He decided getting the vehicle out of impound would be far more than the vehicle was worth. He was upset at the person for selling him the vehicle without disclosing its mechanical problems. He made no further inquiries about the vehicle and told the person he bought it from that it had been impounded and he

would not be making any more payments to her. A couple of months after he had abandoned it on the freeway, he saw the vehicle on two separate occasions. He believed the vehicle had been auctioned off from a tow yard to a new buyer. [redacted] did not know Suspect [redacted] and had never seen him before.

[redacted]

Informant [redacted] said she and Suspect Hankins were previously involved in a [redacted]. She said she received a telephone call from Suspect Hankins shortly after the shooting occurred, around the 0600 hour but could not answer the call because her phone battery was out of power. She walked to the scene of the shooting after the suspect telephoned her friend. She talked to the suspect on her friend's phone.

[redacted] said suspect Hankins told her he was driving to the store and as he approached Compton Avenue, he noticed the presence of deputies driving behind him. After getting behind him, the deputies initiated a traffic stop. He stopped his vehicle and said once the deputy exited his patrol vehicle he also exited his vehicle and put his hands behind his head. The Deputy engaged him in conversation. She said without telling her what transpired, Suspect Hankins said he was down on the ground and the deputy placed his knee on his neck.

[redacted] said Suspect Hankins said he resisted arrest and "tussled" with the deputy while on the ground. He was able to break free from the deputy and began running away. As he was running, the deputy began firing his weapon and he (Suspect Hankins) could hear the bullets passing by his ears. He said while running, he tried to dodge the gunfire and ended up getting shot in the arm. Suspect Hankins told her after being shot, he ran to a unit inside the Nickerson Gardens Housing Project. She said he ran to an apartment where a "Mexican" lived and that he knew the owner.

[redacted] said Suspect Hankins told her that once he left that location, he went to another residence inside the Nickerson Gardens Housing Projects, and he was calling from that location. She said he told her he was going to leave that location and would call her back later and let her know where he was. [redacted] said the suspect did not sound like he was in pain. She said he denied having a hand gun and shooting at the deputies during the incident. He did admit to having four hundred dollars in "illegal money" in his pants pocket. He told her he ran because he was on probation and did not want to get caught with the money.

SUSPECT STATEMENTS

Hankins, Nicholas

Suspect Hankins was interviewed on June 21, 2011, at 1331 hours by Homicide Detectives Kevin Acebedo and Dan McElderry. The interview was digitally recorded.

Suspect Hankins said that on May 22, 2011, he was driving to his [redacted] house in a vehicle that his friend had gotten for them to use. He said his friend paid a man about $35.00 in order to rent the vehicle. Suspect Hankins said he got into the vehicle which was located in a parking lot in the Nickerson Gardens Housing Projects.

> **IAB Note: Witness [redacted] told Homicide Investigators he saw Suspect Hankins give a "Mexican Guy" some money for car keys.**

He drove out of the parking lot and stopped to see if any cars were coming. He turned left onto 114th Street and stopped at the stop sign at 114th Street and Compton Avenue. He said "the Sheriff car" was driving down Compton Avenue, from Imperial Highway. He said he was "still" stopped at the stop sign when "the Sheriff car turned in front of him," onto 114th Street. Suspect Hankins said he turned onto Compton Avenue and could see "the Sheriff car" coming behind him. He said he saw the sheriff car turn around to come get him, so he pulled the vehicle to the curb and parked because the vehicle was not his and he did not want any trouble.

Suspect Hankins said the deputies pulled their vehicle behind his. He said he got out of the vehicle because he did not want to have any trouble and he knew the car was not his. He said he thought he may have been getting stopped because he did not have his seat belt on. Suspect Hankins said he was nervous and scared because he was on probation, and did not want to go to jail. He said he has been going to his probation officer faithfully.

Suspect Hankins said he told Deputy Rodriguez that the vehicle was not his. He said Deputy Rodriguez had his gun out and put it in his face. He said when Deputy Rodriguez asked him whose vehicle it was he told Deputy Rodriguez he did not know. Suspect Hankins said Deputy Rodriguez put his hands (Suspect Hankins') behind his back. Suspect Hankins said he asked Deputy Rodriguez, "Sir, what's going on? What's the problem? Why you got this gun in my face?" He said Deputy Rodriguez would not listen to him, and slammed him on the ground. Suspect Hankins said Deputy [redacted] jumped on his lower back and held his legs down. Suspect Hankins said Deputy Rodriguez "kneed" him in his face.

Suspect Hankins said Deputy Rodriguez slammed him on the ground and kneed him in his face. He stated that he thought "*What the fuck are you doing this for? I'm really not going to let you arrest me now.*" Suspect Hankins said he pushed up from the ground with his arms and upper body, and stood up. He said Deputy Rodriguez grabbed his arm and pulled his jacket. He said he "came out of his jacket" and Deputy [redacted] stepped on the back of his shoe and his shoe came off. He said he started running. Suspect Hankins said he heard Deputy Rodriguez say "move," and saw Deputy Rodriguez holding the "barrel" of a gun through his peripheral vision.

Suspect Hankins said he thought Deputy Rodriguez was holding a Taser. He said Deputy Rodriguez started shooting and he heard "Boom," and "was hit" by the first bullet. He said he continued to run and heard "Boom, Boom, Boom." Suspect Hankins said "Damn, he trying to kill me." Suspect Hankins said he kept running, and ran through the Nickerson Gardens Housing Projects.

IAB Note: See Exhibit "E," photographs depicting route Suspect Hankins ran through the Nickerson Gardens Housing Projects after breaking free from Deputies [redacted] and Rodriguez. Suspect was not located until 30 days later hiding at his [redacted] home in Moreno Valley.

Suspect Hankins said a "Hispanic lady" opened her door and let him in. He said he did not know the family but his [redacted] who was also a [redacted] of that [redacted] was shot and killed and they let him in because they didn't want him to get killed. He said he stayed at the location with the family for two hours. He said he left the location and went to take a shower and change clothes at an undisclosed location.

Suspect Hankins said he did not have a gun. He said all he had was his cell phone in his jacket pocket.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

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October 18, 2011

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. # 11-0363
L.A.S.D. URN # 011-07686-2199-058

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 22, 2011, non-fatal shooting of Nicholas Raynel Hankins by Los Angles County Sheriff Department (LASD) Deputy Juan Rodriguez. It is our conclusion that Deputy Rodriguez acted in lawful self-defense.

The following analysis is based upon investigation reports, photographic evidence, and witness statements taken during the investigation by the LASD and submitted to this office by Homicide Bureau Detective Kevin Acebedo.

The District Attorney Command Center was notified at 8:56 a.m., on May 22, 2011. The District Attorney Response team, comprised of Deputy District Attorney Alfred Coletta and District Attorney Senior Investigator Norman Weisenstein, responded to the location. They were given a briefing of the circumstances surrounding the shooting and a "walk-through" of the scene. Deputy Rodriguez' voluntary statement was considered in this analysis.

FACTUAL ANALYSIS

On May 22, 2011, at approximately 6:30 a.m., LASD Deputies [redacted] and Juan Rodriguez were on duty and were traveling northbound Compton Avenue approaching 114th Street when they saw the driver of a Ford Explorer (later identified as Nicholas Raynel Hankins) fail to stop for a the posted stop sign at Compton Avenue.[1] Hankins noticed the deputies, appeared startled and then looked away. The deputies made a U-turn to pursue the vehicle for the purpose of initiating a traffic stop. As the deputies briefly followed the vehicle and before the deputies activated their overhead red lights, Hankins made an abrupt stop and quickly exited the vehicle while the deputies rolled to a stop and were seated in the patrol vehicle.

[1] Hankins is a Bounty Hunters criminal street gang member.

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Hankins began to move toward the patrol vehicle despite verbal commands by both deputies for Hankins to stay in the vehicle. Further, Hankins said, "This car isn't mine. I just took it." Based upon Hankins nervous behavior and the unsolicited statement, the deputies believed Hankins had stolen the Ford Explorer.

Deputy Rodriguez took Hankins by his wrist and attempted to handcuff him but Hankins struggled. At this point [redacted] and Rodriguez took Hankins down to the ground but they could not control him. Hankins concealed his hands under his body as he was prone on the pavement and was thrashing to prevent the deputies from handcuffing him. Rodriguez felt a hard metal object in Hankins left front pants pocket which he recognized as a handgun. During this time Hankins managed to use one of his hands to pull at the bottom of Rodriguez' holster in an attempt to reach for Rodriguez' duty weapon. Hankins was able to pull off his upper clothing, escape the deputies grasp, stand up and face Rodriguez. Hankins began reaching into his left front pants pocket for the gun.

Deputy Rodriguez, in fear for his life, fired two rounds at the Hankins.[2] After the first two shots, Rodriguez' service weapon jammed and after he cleared the handgun, Rodriguez fired two more rounds from a distance of seven yards away. Rodriguez could see that one of the rounds struck Hankins shoulder and then he turned and ran west across Compton Avenue into Nickerson Gardens.[3] Rodriguez pursued Hankins and as he was running away from Rodriguez, he could see Hankins occasionally look back at him and reach into his left front pants pocket where Rodriguez had felt the handgun. Once Rodriguez lost sight of Hankins in a parking area he waited in a position to hold containment until assisting deputies arrived.[4]

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense and defense of another person if it reasonably appears to the person claiming the right of self-defense that he actually and reasonably believed that he or another person was in imminent danger of great bodily injury or death. (*People v. Williams* (1977) 75 Cal. App. 3d 731.)

In protecting himself or another person, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. (*California Criminal Jury Instruction* 3470.)

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[2] As Deputy Rodriguez saw Hankins reaching in his left front pants pocket for a handgun, Rodriguez yelled to his partner, "watch it, watch it!" and shot at Hankins.

[3] Deputy Rodriguez believed one round struck Hankins because he saw blood on Hankins skin. On June 21, 2011, Nicholas Hankins was arrested and law enforcement observed Hankins had suffered only one bullet wound to the outside of his upper right arm with no corresponding exit wound. Further, Hankins said he never sought medical treatment and the bullet was lodged somewhere in his back.

[4] On May 24, 2011, a felony criminal complaint and arrest warrant, (case number TA118200), was filed against Hankins for a violation of Penal Code section 69, resisting a peace officer and a violation of Vehicle Code section 10851, taking a vehicle without the owner's consent.

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to some other means to secure his safety. (*People v. Collins* (1961) 189 Cal. App. 2d 575.)

CONCLUSION

The evidence examined shows that Deputies Juan Rodriguez and [redacted] were conducting a routine traffic stop when Hankins admitted taking the vehicle. Deputy Rodriguez attempted to arrest Hankins who resisted. Rodriguez felt a hard metal object consistent with a handgun in Hankins front left pants pocket. Hankins stood, faced Deputy Rodriguez from a few feet away and reached into his left front pants pocket. Deputy Rodriguez believed Hankins was going to arm himself and in fear for his life, and the life of his partner, fired his service weapon at Hankins.

We conclude that Deputy Juan Rodriguez acted in lawful self-defense of himself and his partner, Deputy [redacted] We are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Alfred A. Coletta

ALFRED A. COLETTA
Deputy District Attorney
(213) 974-3888

c: Deputy Juan Rodriguez, Serial #[redacted]